

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-12 are pending in this application. By this Amendment, claim 1 is amended and no claims have been cancelled. No new matter is added. Claim 1 is the sole independent claim. Example support for the amendments herein may be found at Para. [0021, 0037] and Fig. 1 of Applicants' application.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

Applicants note with appreciation the Examiner's indication that the references cited in the Information Disclosure Statement filed on August 16, 2006 has been considered.

Rejections under 35 U.S.C. §101

Claims 1-12 stand rejected as failing to fall within one of the four statutory categories of the invention recited in 35 U.S.C. § 101, process, machine, manufacture and composition of matter. In particular, claims 1-12 are rejected under 35 U.S.C. § 101 for failing to 1) be tied to a particular machine or 2) transform underlying subject matter to a different state or thing. As Applicants have amended independent claim 1 to include the limitation "using a data-processing system," at each of the steps of claim 1, amended claim 1 is at least tied to a particular machine under 35 U.S.C. § 101. Dependent claims 2-12 are at least statutory under 35 U.S.C. § 101 by virtue of their dependency on amended independent claim 1. Therefore, withdrawal of this rejection is requested.

Rejections under 35 U.S.C. §102

Claims 1-2, 4-5, 7, 10 and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0002474 ("Michelson"). Applicants respectfully traverse this rejection for the reasons detailed below.

Amended claim 1 recites *inter alia*, "**calculating** the **likelihood** of the **feasibility** of the medical project." However, as disclosed at Para. [0106] of Michelson, "the sponsor makes a **subjective assessment**...as to the feasibility of the study based on the results obtained from the TIA, subject and investigator databases." More specifically, "**the sponsor determines** whether there is a sufficiently large pool of potential subjects who are close enough geographically to a potential investigator to make the study feasible." Therefore, in Michelson, after the "sponsor," which is a human user, receives search results from various databases, he makes a **qualitative** decision as to whether the study is feasible. Thus, **Michelson does not disclose quantitatively calculating a likelihood or probability of the feasibility of the study**. In fact, the process of Michelson **lacks a step** altogether for determining of the feasibility of the study, as this decision is determined instead **intuitively** by the **user**.

For at least the foregoing reasons, amended claim 1 is patentable over Michelson. Dependent claims 2, 4-5, 7, 10 and 12 are at least patentable by virtue of their dependency on amended independent claim 1. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 102(b) be withdrawn.

Rejections under 35 U.S.C. §103

Claims 3, 6, 8-9 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0002474 ("Michelson"). Applicants respectfully traverse this rejection for the reasons detailed below.

Even assuming *arguendo* that Michelson is modifiable as suggested by the Examiner (which Applicants do not admit), Michelson is still deficient with respect to amended claim 1. Dependent claims 3, 6, 8-9 and 11 are at least patentable by virtue of their dependency on amended independent claim 1. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION


In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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